

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ROBERT K. RYMER,

Petitioner,

v.

Case No. 18-C-1347

BRIAN FOSTER,

Respondent.

ORDER DENYING MOTIONS

Petitioner Robert K. Rymer filed this habeas corpus petition pursuant to 28 U.S.C. § 2254, seeking relief from his 1998 state court convictions for First Degree Intentional Homicide and Attempted First Degree Intentional Homicide. Pending before the court is the respondent's motion to dismiss on the ground that the petition is untimely. More specifically, respondent argues that Rymer's conviction became final on May 9, 2001. He, therefore, was required to file his petition for federal relief under § 2254 within one year of that date, absent a change in the law or newly discovered evidence. Rymer alleges neither in his petition. Instead, he seeks discovery, appointment of counsel, and reconsideration of the court's order screening his petition—apparently because the court did not order his immediate release.

Rymer's motions are denied. He has failed to allege any facts that would support allowing his petition to proceed more than twenty years after his conviction. The only facts cited that the court is able to discern is that the district attorney who prosecuted him was later convicted of misconduct in office. Rymer alleges no facts that would suggest that the district attorney acted inappropriately or unlawfully in obtaining his conviction. Under these circumstances, his request for discovery must be denied. Likewise, his request for appointment of counsel is denied. He has stated no facts that would suggest there is merit to his case. Rymer has previously been granted to

March 11, 2019, to file his brief in opposition to the respondent's motion to dismiss. As the court explained at that time, no further extensions will be granted.

SO ORDERED this 12th day of February, 2019.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court